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9 CONTINENTAL VISINET BROADBAND, LLC,
10 Erroneously served as CONTINENTAL VISINET BROADBAND, INC.

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23 SUSAN SIMON, individual, on behalf of
24 herself and all others similarly situated

25 **UNITED STATES DISTRICT COURT**

26 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

27 SUSAN SIMON, individual, on behalf of
28 herself and all others similarly situated,

Plaintiffs,

v.

ADZILLA, INC. (NEW MEDIA), a Delaware
Corporation; *et al.*

Defendants.

Case No. C09-00879 MMC (JCS)

**STIPULATION AND [PROPOSED]
ORDER OF VOLUNTARY
DISMISSAL WITHOUT PREJUDICE
OF DEFENDANT CONTINENTAL
VISINET BROADBAND, LLC**

Date: August 28, 2009
Time: 9:00 a.m.
Courtroom: 7, 19th Floor
Judge: Hon. Maxine M. Chesney

STIPULATION AND [PROPOSED] ORDER OF
VOLUNTARY DISMISSAL WITHOUT
PREJUDICE OF DEFENDANT CONTINENTAL
VISINET BROADBAND, LLC

1 IT IS HEREBY STIPULATED by and between:

2 Plaintiff Susan Simon, individual, on behalf of herself and all others similarly situated
3 ("Plaintiff"), and defendant Continental VisiNet Broadband, LLC ("Continental"), through their
4 undersigned counsel, as follows:

5 1. Defendant Continental VisiNet Broadband, LLC shall be, and hereby is, voluntarily
6 dismissed without prejudice by Plaintiff.

7 2. This stipulation will allow the Court to vacate the August 28, 2009 hearing on
8 Continental's Motion to Dismiss.

9 Dated: August 18, 2009

10 KAMBEREDELSON, LLC

11 By: s/ Michael J. Aschenbrener
12 MICHAEL J. ASCHENBRENER

13 Attorneys for Plaintiff

14
15 Dated: August 18, 2009

DAVIS WRIGHT TREMAINE, LLP

16
17 By: s/ Martin L. Fineman
MARTIN L. FINEMAN

18 Attorneys for Defendant
19 Continental VisiNet Broadband, LLC

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21 PURSUANT TO STIPULATION, IT IS SO ORDERED that defendant Continental
22 VisiNet Broadband, LLC shall be, and hereby is, voluntarily dismissed without prejudice by
23 Plaintiff and the hearing on Continental's Motion to Dismiss, currently scheduled for August 28,
24 2009, is hereby vacated.

25 Dated: _____

26 HON. MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE